

GEORGIA STATE BOARD OF FUNERAL SERVICE
Secretary of State, Professional Licensing Boards Division

**NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE RULES
AND NOTICE OF PUBLIC HEARING**

Chapter 250-6 Establishment/Crematory Licensure and Regulations
Rule 250-6-.08. Determination of Funeral Director in Full and Continuous Charge

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Funeral Service (hereinafter "Board") proposes an amendment to Chapter 250-6 Establishment/Crematory Licensure and Regulations, Rule 250-6-.08. Determination of Funeral Director in Full and Continuous Charge (hereinafter "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being distributed to all persons who have requested, in writing, that they be placed on the interested party notification list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board's website page at <http://sos.ga.gov/index.php/licensing/plb/30>, or by contacting the Board at 478-207-2440.

Any interested party affected by the rule may present written comments to the Board no later than close of business June 5, 2018. Written comments must be legible, signed, and should contain contact information from the maker (address, telephone number, email address, etc.). Written comments should be addressed to Lisa W. Durden, Director, Office of Secretary of State, Professional Licensing Boards Division, Georgia State Board of Funeral Service, 237 Coliseum Drive, Macon, Georgia 31217; fax (866) 888-1308. Oral statements presented during the public hearing should be concise and will be limited to five (5) minutes per person.

The Board voted to adopt this Notice of Intent at its April 10, 2018 meeting. The Board also voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-1-2; 43-1-19; 43-1-25; 43-18-46; 43-18-71. Finally, the Board voted that it is not legal or feasible in meeting the objectives of O.C.G.A. § 43-1-2; 43-1-19; 43-1-25; 43-18-46; 43-18-71 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed or owned and operated in the field of funeral service.

A public hearing is scheduled to begin at 1:00 p.m. on June 12, 2018, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

The proposed rule amendment will be considered for adoption by the Georgia State Board of Funeral Service at its meeting scheduled to begin 1:00 p.m. on June 12, 2018, at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Funeral Service has the authority

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to adopt the proposed rule amendment to 250-6-.08 pursuant to authority contained in O.C.G.A. § 43-1-2; 43-1-19; 43-1-25; 43-18-46; 43-18-71.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This 2 day of May 2018.



Lisa W. Durden, Director
Professional Licensing Boards

Posted: 5/2/2018

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SYNOPSIS OF PROPOSED CHANGES TO THE RULES
Chapter 250-6 Establishment/Crematory Licensure and Regulations
Rule 250-6-.08. Determination of Funeral Director in Full and Continuous Charge

Purpose: The purpose of this amendment is to update text and to change formatting to achieve a clearer presentation of the section content.

Main Features: The main features of this amendment are to replace the word “such” with the word “this” or “the” as appropriate, and add replace a large section of text with numbered sections to make the rules easier to read and understand.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENTS TO THE RULE**
Chapter 250-6 Establishment/Crematory Licensure and Regulations
Rule 250-6-.08. Determination of Funeral Director in Full and Continuous Charge
[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Chapter 250-6 Establishment/Crematory Licensure and Regulations

Rule 250-6-.08. Determination of Funeral Director in Full and Continuous Charge

- (1) The Board shall have the authority to evaluate each application for a funeral establishment or crematory license to determine whether the funeral director has the ability to be accessible and available to the community if the funeral director does not spend a minimum of forty (40) hours per week in the employ and operation of the establishment. The Board may then approve an application where the funeral director does not satisfy the specific requirement to spend a minimum of forty (40) hours per week in the employ and operation of the establishment or crematory if the Board is satisfied that the funeral director will be accessible and available to the community.
- (2) The individual approved by the Board to serve as the Funeral Director in Full and Continuous Charge may only serve in ~~such~~ this a capacity at one (1) funeral establishment, but may also serve as the Funeral Director in Full and Continuous Charge at a crematory if ~~such~~ the crematory is located at the same physical address as the approved funeral establishment. In determining whether the funeral director possesses the ability to be accessible and available to the community, the Board will consider;
 - (a) the proximity of the funeral director's other employment and/or residence to the funeral establishment;
 - (b) the funeral director's ability to obtain leave from his/her other job in order to attend to the affairs of the funeral establishment; and
 - (c) any other information which relates to the ability of the funeral director to adequately supervise the operation of the funeral establishment.

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- (2) The individual approved by the Board to serve as the Funeral Director in Full and Continuous Charge may only serve in this capacity at one (1) funeral establishment, but may also serve as the Funeral Director in Full and Continuous Charge at a crematory if the crematory is located at the same physical address as the approved funeral establishment. In determining whether the funeral director possesses the ability to be accessible and available to the community, the Board will consider:
 - (a) the proximity of the funeral director's other employment and/or residence to the funeral establishment;
 - (b) the funeral director's ability to obtain leave from his/her other job in order to attend to the affairs of the funeral establishment; and
 - (c) any other information which relates to the ability of the funeral director to adequately supervise the operation of the funeral establishment.

Authority: O.C.G.A. § Secs. 43-1-2; 43-1-19; 43-1-25; 43-18-46; 43-18-71